

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.9310 OF 2003

Pankaj Damodar Sadhle.

...Petitioner.

Vs.

State of Maharashtra & Ors.

...Respondents.

....

Mr.P. B. Deo for the Petitioner.

Mrs. M.P. Thakur, AGP for the Respondents.

.....

**CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.**

April 18, 2006.

P.C. (Per Dr. D.Y. Chandrachud, J.):

The Petitioner resigned from service after working initially as an Assistant Teacher and later as the Headmaster, the total service rendered being 22 years. His claim in these proceedings is for the payment of pension. An affidavit in reply has been filed by the Superintendent in the Pay and Provident Fund Unit dealing with the Secondary Schools of the Zilla Parishad, Ratnagiri. In the affidavit, the particulars of the service record have been disclosed in sufficient details in paragraph 4 which reads as follows :

“(i) The Petitioner was working as Assistant Teacher (Untrained) w.e.f. 7.6.1965 to 12.6.1966 with N.M. High School, Kharepatan for the period 1 year and

6 days.

-(ii) The Petitioner had worked as trainee with B.Ed. Training at Gargoti, Kolhapur w. e. f. 13.6/1966 to 31.5.1967 for 11 months and 18 days without pay and then resigned on 31.5.1967.

-(iii) The Petitioner had worked as Head Master with N. E. S. Achara, Tal-Malvan w. e. f. 1.6.1967 to 8.6.1969 for 2 years and 8 days and resigned on 8.6.1969.

-(iv) The Petitioner had worked as Head Master with M.V. Mandir, Aronda, Tal-Malvan w. e. f. 9.6.1969 to 14.6.1970 for the period of 1 year and 7 days and then resigned on 14.6.1970.

-(v) The Petitioner had worked as Assistant Teacher with P.V. Mandir, Andheri, Mumbai w. e. f. 15.6.1970 to 13.6.1971 for 11 months and 29 days and then resigned on 13.6.1971.

-(vi) The Petitioner has worked as Assistant Teacher with United English School, Chiplun w. e. f. 14.6.1971 to 10.6.1973 for 1 year 11 months and 27 days and thereafter his services were terminated on

10.6.1973.

-(vii) The Petitioner had worked as Assistant Teacher on probation with N.K. Varadkar High School, Tal-Dapoli w. e. f. 11.6.1973 to 14.6.1981 for 8 years and 4 days and resigned on 14.6.1981.

-(viii) The Petitioner had worked as Head Master with M. G. D. S. Mandir, Umare, Tal-Ratnagiri w. e. f. 15.6.1981 to 7.6.1987 for 5 years 11 months and 23 days and then resigned on 7.6.1987 with due notice.”

The Petitioner resigned from service by a letter dated 22nd January 1987. In terms of Rule 46 of the Maharashtra Civil Service (Pension) Rules, 1982 resignation from service from a post entails forfeiture of past service. On the date when the Petitioner resigned, the scheme for voluntary retirement had not been brought in force inasmuch as the scheme was implemented by the Government only on 9th September 1988. In these circumstances, the order denying pension to the Petitioner cannot be faulted. There is no merit in the petition which is accordingly dismissed.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.